

THE SUPREME COURT.

DECISIONS RENDERED IN FEBRUARY, 1882.

James Jackson, Chief Justice, Martin J. Crawford and Alexander M. Spear, Associate Justices—Reported by J. H. Lumsden, Supreme Court Reporter.

Clark vs. State, Robbery, from Sumter. Practice in Supreme Court.

Jackson, C. J.—The only attempt at an assignment of error in this bill of exceptions is couched in such language that we cannot well decipher its meaning. Certainly it is not that clear and distinct assignment of error, or plain specification thereof, which the law demands. (Code 425; 1 Kelley, 1, 38 Ga., 534 et al.) It is in the following words:

"As on the hearing of said motion the new trial then and there prayed for was denied and refused, the said Emma Clark plaintiff in error as appears of entry in said motion which is now assigned as error." Whether the error was based on the time of the hearing of the motion, or on the grounds of the motion, or the entry on the motion, or what we do not see from these words. Indeed there appears to be a full stop after the word "now," and the words "assigned as error" seem to stand alone and refer to all that precedes it if anything. The assignments of error must appear distinctly in the bill of exceptions; they must be "plainly specified" in it; and the transcript of the record cannot cure the defect. No assignment of error appears or can appear in error.

W. E. Simmons; J. L. Blalock; J. W. Brady, for plaintiff in error.

B. Hudson, solicitor general; W. A. Hawkins; Allen Fort, for the state.

Dohue vs. State. Keeping gaming house, from city court of Atlanta. Criminal law. Indictment.

Jackson, C. J.—In an indictment for keeping a gaming house, the description of the house as to location need not be more definite than that it is in the county.

2. Where an indictment contained two counts, one charging the keeping of a gaming house, the other the renting of rooms for the purpose of gaming, a general verdict of guilty was sufficient without specifying on which count it rested.

3. The verdict is upheld by the evidence. Judgment affirmed.

Hopkins & Glenn, for plaintiff in error.

W. D. Ellis, solicitor city court, for the state.

Overby vs. Hart. Claim, from Stewart, Levy and sale. Trusts. Title. Deeds. Evidence.

Jackson, C. J.—A levy on real estate undisposed of is not prima facie evidence of satisfaction of the debt, as is the case with a levy on personalty.

(a) That a bill has been levied on land, a claim interposed and dismissed, and the bill ordered to proceed, will not prevent a levy on other realty or require the bill to be proceeded on the original levy first.

2. A chancellor has power at chambers to grant leave to a trustee for minors to sell realty held by him for them, notice being given and their appearing by guardian ad litem.

(a) Where a deed from a trustee stated in the body thereof the representative character in which he was acting, and the order authorizing the sale, it did not matter that he signed his individual name to such deed, affixing his seal, but not adding his representative character.

3. Where an execution was against four defendants, an entry of levy which failed to state on whose property it was made was not sufficient.

(a) A deed not being admissible in evidence, testimony purely auxiliary to it would likewise be inadmissible.

Judgment affirmed.

J. L. Wimberly; R. F. Watts; E. H. Beall; DuPont Guerry, for plaintiff in error.

T. H. Pickett; W. A. Little; W. H. Harrison, for defendant.

Cox et al. vs. Barber et al. Equity, from writ. Administrators and executors. Title. Notice. Vendor and purchaser.

Jackson, C. J.—Two executors sold realty of their testator; a third party bought; on the same day he conveyed the land to one of the executors individually; some two years thereafter the latter sold to a purchaser for value; the deeds on their face all purported to be for a fair and valuable consideration.

Held, that in the absence of all actual notice, appearing from the recorded deeds, were not sufficient to put the purchaser on notice that the sale by an executor to himself, so as to prevent his being entitled to protection as a bona fide purchaser.

Judgment affirmed.

W. A. Hawkins; Jones & Walters; D. H. Pope, for plaintiff in error.

G. J. Wright, for defendant.

Swatts vs. Spence, admr. Equity, from Practice in Supreme Court.

Pleadings. Amendments. Practice in superior court. Evidence. Equity. New trial.

Jackson, C. J.—Since the act of 1881, if the certificate of the presiding judge to the bill of exceptions is not dated, it will be presumed to have been made on the day of the acknowledgment of service by counsel for defendant in error.

2. Where a bill was filed by an administrator to marshal assets of an estate, and one of the creditors excepted to the decision thereon, the failure to join the other creditors as co-plaintiffs in error could be cured by amendment in error without notice. 62 Ga. 135.

3. Though an amendment should be made under leave of the court, yet where a bill was filed praying injunction, an amendment sworn to and filed before the hearing, a temporary injunction granted, and the case tried at a subsequent term without objection to the amendment, the absence of an order allowing it will not cause a new trial.

4. Entries made by the clerk on the execution docket of the superior court, in the presence of the plaintiff therein certain land, and by mistake a different lot than that agreed upon was described in the deed, in order to correct the mistake at the instance of the grantor or his administrator, equity would require a conveyance of the proper lot to be made or the equivalent thereof.

6. If the lot actually conveyed under the mistaken deed of gift, value with that intended was sold under the bill, against the grantee and the proceeds were applied to the payment of his debts, he cannot complain of the mistake.

(a) The charge, the verdict and the decree in this case were right as to the plaintiff in error.

Judgment affirmed.

W. E. Smith; A. L. Hawes, for plaintiff in error.

D. H. Pope, for defendant.

Beck vs. Bower et al. Administrators. Ejectment. From Mitchell, Levy and sale. Executions. Title.

Crawford, J.—One entry of no personalty by a constable on a justice court bill, is sufficient to authorize a levy on real estate; such entry need not be repeated at intervals to render a levy on realty valid.

(a) An entry of "no property to be found" was made by a constable on a justice court bill; seven days thereafter a horse was pointed out by the owner of the bill; it was levied on, sold, and the proceeds applied to older executions. Without further entry, a levy was made on realty.

Held, that the levy was not void, and a sheriff's sale thereunder conveyed the title of the defendant in bill.

2. A sheriff's deed alone is not sufficient to show title in the purchaser; it must appear that the title was of the defendant, or that he was in possession after the date of the

judgment on which the sheriff's deed was based.

Judgment reversed.

R. N. Ely; D. H. Pope, for plaintiff in error.

W. E. Smith; Bash & Lyon, for defendant.

Hughes vs. Maples. Complaint, from Mitchell, New trial.

Crawford, J.—This case will not interfere with the first grant of a new trial unless the law and the facts demand the verdict. It is not so in this case.

Judgment affirmed.

Bash & Lyon, by brief, for plaintiff in error. No appearance for defendant.

County of Lee vs. Walden, administrator. Illegal, from Lee. Executions. Amendments. Practice in superior court. Auditors. Bonds. County matters.

Crawford, J.—Adjudgments of illegality are amendable in error, upon motion and leave of the court granted, by the insertion of new and independent grounds, whenever the defendant will swear that he did not know of such grounds when the original affidavit was filed.

2. That a case involves other matters than those of account does not make it necessary to send it in its entirety to an auditor. He examines and reports upon such matters only as are directed to consider. Upon the return of such a report, exceptions of fact having been filed, the verdict of a jury thereon settled only the facts involved in the issues made, leaving other branches of the case undisposed of as before.

3. Execution may be issued against one who has funds of a county in his hands, or against a defaulting tax collector and the sureties on his bond, but an execution founded on his bond cannot be enforced on the ground that he has public money in his hands, where it appears that he did not in fact give a bond. To hold him liable for public funds held by him, a proper execution must be issued.

Judgment affirmed.

J. H. West; R. F. Lyon, for plaintiff in error.

K. J. Warren; W. A. Hawkins, for defendants.

Beall vs. Rust. Equity, from Dougherty. Judgments. Vendor and purchaser.

Speer, J.—R. brought trover against R. to recover certain cotton. R. filed his bill to set off against such recovery charges for storage, commissions and expenses upon that and other cotton due him by R. to assert a lien on that lot for the entire charges, exceeding in value the cotton in suit, and to enjoy the trover suit. R. answered setting up counter claims for over charges, etc.

Held, that the case was a proper one for equitable relief.

(a) Appearance and pleading to the merits disposes of the case.

(b) A bill for injunction against assuit law brought by a non-resident plaintiff will be retained to grant relief as to all matters involved in a proper settlement of the litigation pending at law.

2. The verdict was not contrary to the charge.

(a) While large items of cash may not be proved by entries on a merchant's books, it would seem that where such items form a part of the regular business of the party making such entries, as of a factor or banker, they might be so proved.

3. Where one bought a lot of cotton from a warehouseman, and after some months resold to another, the cotton remaining in the warehouse, but when the first purchaser went to make delivery to his vendee he discovered that the warehouseman had, before the first sale, sold nineteen bales of the cotton to a third party and could not deliver it, whereby the purchaser was compelled to account to the second vendee for the deficit at an advanced price, under a bill in equity to settle the accounts between the warehouseman and his vendee the damages to be allowed to the latter would be measured by what he was compelled to pay his vendee for the deficit, and not by what he originally paid for the cotton.

Judgment affirmed on terms.

R. H. Hill; W. E. Smith; C. B. Wooten, for plaintiff in error.

R. F. Lyon; D. H. Pope, for defendant.

Tucker vs. Ball, administrator. Non-suit, from Dougherty. Contracts. Novation. Amendments. Actions.

Speer, J.—Where suit was brought on a contract, and the evidence for the plaintiff showed that a novation had been made, a new contract substituted for the original one and a new party introduced, a non-suit was properly awarded.

A recovery could not be had by amending the declaration so as to include the new contract and relying thereon.

Judgment affirmed.

G. J. Wright; D. H. Pope, for plaintiff in error.

Smith & Jones; R. F. Lyon; Vason & Alfriend, for defendant.

Ball, administrator vs. Tucker. Complaint, from Dougherty. Practice in Supreme Court.

Speer, J.—When the unsuccessful party in the court below brings the case to this court, and the successful party files a cross bill of exceptions, complaining of rulings adverse to him, if a reversal of the judgment of the court below is ordered, the questions made in the cross bill will be decided; if the judgment below is affirmed, a decision thereon is unnecessary.

Rit of error dismissed.

(Same counsel as in case next above reversed.)

Crawford vs. State. Burglary, from Mitchell. Criminal law. Indictment. Verdict.

Speer, J.—Where an indictment charged a defendant with "breaking and entering the depot of the Savannah, Florida and Western railway, a corporation chartered by said state, doing business under said name," the allegation that the owner was a corporation chartered by said state was mere surplusage and need not be proved.

2. The verdict is supported by the evidence. Judgment affirmed.

G. J. Wright; O. G. Gurley; J. H. Guerry, for plaintiff in error.

Jesse W. Walters, solicitor general, for the state.

Bell vs. Morton. Appeal, from Stewart. Justice courts. Contracts.

Speer, J.—Where a suit in a justice court was for \$49.25 principal, alleged to have become more than a year before suit, the interest attached to the principal in determining the amount claimed, and the case was appealable.

(a) Accounts which by custom become due at the end of the year bear interest from that time upon the amount actually due when ever ascertained.

Judgment affirmed.

E. H. Beall, by brief, for plaintiff in error. No appearance for defendant.

Miller vs. Medlock. Appeal, from Gwinnett. Processing. Laws.

Speer, J.—Where one has a line between her own land and that of another run marked by processions and the county surveyor, if she is dissatisfied, she may appeal. The applicant is included in a reasonable construction of the terms "adjoining land owners" as used in §2290 of the code.

Judgment reversed.

W. E. Simmons, for plaintiff in error. No appearance for defendant.

Tison vs. State. Murder, from Schley. Charge of court. New trial.

Speer, J.—The charge of the court was not unsupported by evidence.

2. The verdict is fully upheld by the evidence. Judgment affirmed.

Fort & Simmons, for plaintiff in error.

C. B. Hudson, solicitor general, for the state.

The publishers of the Richmond, Va., Enquirer heartily recommend Dr. B. Cough and say: "It has been well tried in our office and composing room, and has cured our city editor of a very bad case of bronchitis."

SIAMON'S LIVER REGULATOR.

GREAT GERM DESTROYER.

DARBY'S PROPHYLATIC FLUID.

PREPARED BY.

SCARLET FEVER CURED.

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ULCERS purified and healed.

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WOUNDS healed rapidly.

Removes all unpleasant odors.

CONTAGION destroyed.

SICK ROOMS purified.

It is PERFECTLY HARMLESS.

PERSONS relieved and refreshed by bathing with Prophylactic Fluid added to the water.

CATARRH relieved and cured.

ERYSIPELAS cured.

BURNS relieved instantly.

SCARS prevented.

In fact it is the Great Disinfectant and Purifier.

J. H. ZEILIN & CO., MANUFACTURING CHEMISTS, SOLE PROPRIETORS, AUGUST 11, 1890, New York City.

PERRY DAVIS' PAIN KILLER.

A cold or sore throat may not seem to amount to much, and if promptly treated, it would be without result. It is often followed by consumption or diphtheria. No medicine has ever been discovered which so quickly and surely in such cases as PERRY DAVIS' PAIN KILLER. The prompt use of this valuable remedy has saved thousands of lives. PERRY DAVIS' PAIN KILLER has been before the public for forty years, and is much valued where it is less known. A few extracts from voluntary testimonials read as follows:

For whom the cough and croup it is the best remedy known. Very seldom is without it. A. F. BROWN, Little Rock, Ark.

For twenty-five years I have used PERRY DAVIS' PAIN KILLER for all kinds of colds, croup, and whooping cough, and it has never failed me. J. C. BROWN, Little Rock, Ark.

I was suffering severely with bronchitis, and my throat was so inflamed I could scarcely swallow. I used PERRY DAVIS' PAIN KILLER, and in a few days I was completely cured. J. C. BROWN, Little Rock, Ark.

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2. A chancellor has power at chambers to grant leave to a trustee for minors to sell realty held by him for them, notice being given and they appearing by guardian ad litem.

(a). Where a deed from a trustee stated in the body thereof the representative character in which he was acting and the order authorizing the sale, it did not matter that he signed his individual name to such deed, affixing his seal, but not adding his representative character.

3. Where an execution was against four defendants, an entry of levy which failed to state on whose property it was made was not sufficient.

4. A deed not being admissible in evidence, testimony purely ancillary to it would likewise be inadmissible.

Judgment affirmed.

J. L. Winbush, R. F. Watts; E. H. Beall; DuPont, Guerry, for plaintiff in error.

T. H. Pickett; W. A. Little; W. H. Harrison, for defendant.

Cox et al. vs. Barber et al. Equity, from Worth. Administrators and executors. Title. Notice. Vendor and purchaser.

Jackson, C. J.—Two executors sold realty of their testator, and the party bought; on the same day he conveyed the land to one of the executors individually; some two years thereafter the latter sold to a purchaser for value, the deeds of the latter being purported to be for a fair and valuable consideration.

Held, that in the absence of all actual notice, appearing from the recorded deeds, were not sufficient to put the purchaser on notice that the sale was by an executor to himself, so as to prevent his being entitled to protection as a bona fide purchaser.

Judgment affirmed.

W. A. Hawkins; Jones & Walters; D. H. Pope, for plaintiff in error.

G. J. Wright, for defendant.

Swatts vs. Spence, adm'r. Equity, from Mitchell. Practice in supreme court. Pleadings. Amendments. Practice in superior court. Evidence. Equity. New trial.

Jackson, C. J.—Since the act of 1881, if the certificate of the presiding judge to the bill of exceptions is not dated, it will be presumed to have been made on the day of the acknowledgment of service by counsel for defendant in error.

2. Where a bill was filed by an administrator to marshal assets of an estate, and one of the creditors excepted to the decision thereon, the failure to join the other creditors as co-plaintiffs in error could be cured by amendment instant and without notice. 62 Ga., 135.

3. Though an amendment should be made under leave of the court, yet where a bill was filed praying injunction, an amendment sworn to and filed before the hearing, a temporary injunction granted, and the case tried at a subsequent term without objection to the amendment, the absence of an order allowing it will not cause a new trial.

4. Entries made by the clerk on the execution docket of the superior court, in the presence of the plaintiff in the fi. fa. and under his order, were admissible on an issue as to the payment or non-payment of such fi. fa.

5. Where it was sought to settle a claim by conveying to the plaintiff therein certain land, and by mistake a different lot than that agreed upon was described in the deed, in order to correct the mistake at the instance of the grantor or his administrator, equity would require a conveyance of the proper lot to be made or the equivalent thereof.

6. If the lot actually conveyed under the mistaken deed (of equal value with that intended) was sold under fi. fa. against the grantee and the proceeds were applied to the payment of his debts, he cannot complain of the mistake.

(a.) The charge, the verdict and the decree in this case were right as to the plaintiff in error.

Judgment affirmed.

W. E. Smith; A. L. Hawes, for plaintiff in error.

D. H. Pope, for defendant.

Beck vs. Bower et al., administrators. Ejectment, from Mitchell. Levy and sale. Executions. Title.

Crawford, J.—One entry of no personalty by a constable on a justice court fi. fa. is sufficient to authorize a levy on real estate; such entry need not be repeated at intervals to render a levy on realty valid.

(a). An entry of "no property to be found" was made by a constable on a justice court fi. fa.; seven days thereafter a horse was pointed out by the owner of the fi. fa.; it was levied on, sold, and the proceeds applied to older executions. Without further entry, a levy was made on realty.

Held, that the levy was not void, and a sheriff's sale thereunder conveyed the title of the defendant in fi. fa.

2. A sheriff's deed alone is not sufficient to show title in the purchaser; it must appear that the title was of the defendant, or that he was in possession after the date of the

Judgment on which the sheriff's deed was based.

Judgment reversed.

R. N. Ely; D. H. Pope, for plaintiff in error.

W. E. Smith; Bush & Lyon, for defendant.

Hughes vs. Maples. Complaint, from Mitchell. New trial.

Crawford, J.—This court will not interfere with the first grant of a new trial unless the law and the facts demand the verdict. It is not so in this case.

Judgment affirmed.

Bush & Lyon, by brief, for plaintiff in error.

No appearance for defendant.

County of Lee vs. Walden, administratrix. Illegality, from Lee. Executions. Amendment. Practice in superior court. Auditors. Bonds. County matters.

1. Affidavits of illegality are amendable instant, upon motion and leave of the court granted, by the insertion of new and independent grounds, whenever the defendant will swear that he did not know of such grounds when the original affidavit was filed.

2. That a case involves other matters than those of account does not make it necessary to send it in its entirety to an auditor. He examines and reports upon such matters only as he is directed to consider. Upon the return of such a report, exceptions of fact having been filed, the verdict of a jury thereon set aside, the facts involved in the issues made, leaving other branches of the case undisposed of as before.

3. Execution may be issued against one who has funds of a county in his hands, or against a defaulting tax collector and the sureties on his bond; but an execution founded on his bond cannot be enforced on the ground that he has public money in his hands, or that he is a tax collector, unless it is in fact a bond.

4. To hold him liable for public money held by him, a proper execution must be issued.

Judgment affirmed.

E. H. West; R. F. Lyon, for plaintiff in error.

K. J. Warren; W. A. Hawkins, for defendants.

Beal vs. Rust. Equity, from Dougherty. Jurisdiction. Verdict. Evidence.

Speer, J.—B. brought trover against R. to recover certain cotton. R. filed his bill to set off against such recovery charges for storage, commissions and expenses upon that and other cotton due him by R. to assert a lien on that lot for the entire charges, exceeding in value the cotton in suit, and to enjoin the trover suit. B. answered setting up counter claims for over charges, etc.

Held, that the case was a proper one for equitable relief.

(a). Appearance and pleading to the merits admits jurisdiction.

(b). A bill for injunction against a suit at law brought by a non-resident plaintiff will be retained to grant relief as to all matters involved in proper settlement of the litigation pending at law.

2. The verdict was not contrary to the charge.

(a). While large items of cash may not be proved by entries on a merchant's books, it would seem that where such items form a part of the regular business of the party making such entries, as of a factor or banker, they might be so proved.

3. Where one bought a lot of cotton from a warehouseman, and after some months resold to another, the cotton remaining in the warehouse, but when the first purchaser went to make delivery to his vendee he discovered that the warehouseman had, before the first sale, sold nineteen bales of the cotton to a third party and could not deliver it, whereby the purchaser was compelled to account to the second vendee for the deficit at an advanced price, under a bill in equity to settle the accounts between the warehouseman and his vendee the damages to be allowed the latter would be measured by what he was compelled to pay his vendee for the deficit, and not by what he originally paid for the cotton.

Judgment affirmed on terms.

B. H. Hill; W. E. Smith; C. B. Wooten, for plaintiff in error.

R. F. Lyon; D. H. Pope, for defendant.

Tucker vs. Ball, administratrix. Non-suit, from Dougherty. Contracts. Novation. Amendments. Actions.

Speer, J.—Where a suit was brought on a contract, and the evidence for the plaintiff showed that a novation had been made, a new contract substituted for the original one and a new party introduced, a non-suit was properly awarded.

2. A recovery could not be had by amending the declaration so as to include the new contract and relying thereon.

Judgment affirmed.

G. J. Wright; D. H. Pope, for plaintiff in error.

Smith & Jones; R. F. Lyon; Vason & Alfriend, for defendant.

Ball, administratrix vs. Tucker. Complaint, from Dougherty. Practice in Supreme Court.

Speer, J.—When the unsuccessful party in the court below brings the case to this court, and the successful party files a cross bill of exceptions, complaining of rulings adverse to him, if a reversal of the judgment of the court below is ordered, the questions made in the cross bill will be decided; if the judgment below is affirmed, a decision thereon is unnecessary.

2. Bill of error dismissed.

(Same counsel as in case next above reversed.)

Crawford vs. State. Burglary, from Mitchell. Criminal law. Indictment. Verdict.

Speer, J.—Where an indictment charged a defendant with "breaking and entering the depot of the Savannah, Florida and Western railway, a corporation chartered by said state, doing business under said name," the allegation that the owner was a corporation chartered by said state was mere surplusage and need not be proved.

2. The verdict is supported by the evidence.

Judgment affirmed.

G. J. Wright; G. G. Gurley; J. H. Guerry, for plaintiff in error.

Jesse W. Walters, solicitor general, for the state.

Bell vs. Morton. Appeal, from Stewart. Justice courts. Contracts.

Speer, J.—Where a suit in a justice court was for \$49.25 principal, alleged to have become due more than a year before suit, the interest attached to the principal in determining the amount claimed, and the case was appealable.

(a). Accounts which by custom become due at the end of the year bear interest from that time upon the amount actually due whenever assigned.

Judgment affirmed.

E. H. Beall, by brief, for plaintiff in error.

No appearance for defendant.

Miller vs. Medlock. Appeal, from Winnett. Processing. Laws.

Speer, J.—Where one has a line between her own land and that of another run and marked by surveyors and the county surveyor, if she is dissatisfied, she may appeal. The applicant is included in a reasonable construction of the terms "adjoining land owners" as used in 2290 of the code.

Judgment reversed.

W. E. Simmons, for plaintiff in error.

No appearance for defendant.

Tison vs. State. Murder, from Schley. Charge of court. New trial.

Speer, J.—The charge of the court was not unsupported by evidence.

The verdict is fully upheld by the evidence.

Judgment affirmed.

Fort & Simmons, for plaintiff in error.

C. B. Hudson, solicitor general, for the state.

The publishers of the Richmond, Va. Enquirer heartily recommend Dr. Bull's Cough Syrup and say: "It has been well tried in our office and composing room, and has cured our city editor of a very bad case of Coughs."

SIMMONS LIVER REGULATOR.

GREAT GERM DESTROYER.

DARBY'S PROPHYLATIC FLUID!

Pitting of SMALL.

SCARLET FEVER CURED.

POX Prevented.

ULCERS purified and healed.

DYSENTERY CURED.

WOUNDS healed rapidly.

Removes all unpleasant odors.

TETTER dried up.

IT IS PERFECTLY HARMLESS.

FOR SORE THROAT it is a SURE CURE.

DIPHTHERIA PREVENTED.

J. H. ZEILIN & CO. PROPRIETORS.

Manufacturing Chemists, Sole Proprietors.

august-diy tues thur sat & sun & m & t m

PERRY DAVIS' PAIN KILLER.

A cold or sore throat may not seem to amount to much, and it is not so, but it is the beginning of a serious illness.

It is often followed by consumption of diphtheria. No medicine has ever been discovered which is so quickly and surely cures PAIN KILLER.

The prompt use of this invaluable remedy has cured thousands of lives. PAIN KILLER is the most valuable remedy in the world.

A few extracts from voluntary testimonials read as follows:

For whooping-cough, and even if it is the best remedy for the throat, I would not be without it.

A. H. Rogers, Libertyville, Va.

For the cure of the throat, I would not be without it.

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Dr. SANFORD'S

LIVER INVIGORATOR

Only Vegetable Compound that

acts directly upon the Liver, and

cures Liver Complaints, Jaundice,

Biliousness, Malaria, Cosiveness,

Headache, Itassids digestion,

strengthens the system, regulates the bowels, purifies the

blood. A Book sent free. Dr. SANFORD, 162 Broadway, N. Y.

FOR SALE BY ALL DRUGGISTS.

PERRY DAVIS' PAIN KILLER.

A cold or sore throat may not seem to amount to much, and it is not so, but it is the beginning of a serious illness.

It is often followed by consumption of diphtheria. No medicine has ever been discovered which is so quickly and surely cures PAIN KILLER.

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The Atlanta Constitution: Thursday, March 2, 1882.
Messrs. Dougherty's Dry Goods Palace,
Atlanta, Ga., February 20th, 1882.
Messrs. McBride & Co.:
I am using one of your "Gate City Stone
Filters" at my store, and must say that it
possesses great merit. It does its work
perfectly and satisfactorily, and is very
simple and easily kept in order.
Truly,
DAVID H. DOUGHERTY.
Jan 16 day above we top col.

BULLETIN NEW BOOKS.
WASHINGTON, D. C. "American Men of
Letters," by J. Warner. Price, \$1.25
NOAH WEBSTER "American Men of Let-
ters," by Scudder. Price, 2.00
ANTHOLOGY.
HOPES AND FEARS FOR ART, by Wm.
Morris. Price, 1.25
DOROTHY A Country Story. "Anon." Price,
1.25
JAMES G. GARFIELD, by Geo. F. Hoar. Price,
50
LONGFELLOW—American Classics. Price,
60
We have just received a full line of Artists
Materials.
HOLMAN, COFFIN & CO.,
Booksellers, Art and Commercial Stationers,
26 Marietta street, Atlanta, Ga.
Feb 17 day—un meo

COTTON AND WEATHER.
Cotton, middling uplands closed in Liverpool
yesterday, at 6 1/4; in New York, at 11 1/16; in
Atlanta, at 11 1/16.
Weather.
The Signal Service Bureau report indicates for
Georgia to-day, fair weather, westerly, south-
easterly winds, higher barometer and slight changes in
temperature.

Daily Weather Report.
OBSERVATIONS, STATION, ST. COLUMBIA, U. S. A.
KIMBALL HOUSE, March 1, 1882, P. M.
(All observations taken at the same moment of
actual time.)

NAME OF STATION.	Barometer.	Thermometer.	Wind.	Force.	Direction.	Weather.
Atlanta.	30.13	58	W.	Fresh	00	Fair.
Augusta.	30.10	58	W.	Light	00	Fair.
Palestine.	30.10	58	W.	Light	00	Fair.
Greenville.	30.06	63	E.	Fresh	00	Clear.
Indianola.	30.06	60	S. E.	Fresh	00	Clear.
Key West.	30.10	61	S.	Fresh	00	Clear.
Mobile.	31.12	61	S.	Calm	00	Clear.
Montgomery.	31.13	53	W.	Light	00	Fair.
Port Pava.	30.12	58	S.	Light	00	Fair.
Pensacola.	30.12	58	S. W.	Light	00	Clear.
Savannah.	30.17	64	W.	Fresh	00	Fair.

NOTE.—Force of Wind: Light, 1 to 2 miles per
hour, inclusive; Gentle, 2 to 5 inclusive; Fresh, 5
to 10 inclusive; Brisk, 15 to 25 inclusive; High, 30
to 35 inclusive.

Local Weather Report.
ATLANTA, GA., March 1, 1882.

TIME.	Barometer.	Thermometer.	Wind.	Force.	Direction.	Weather.
6:31 a. m.	29.82	53	W.	Fresh	00	Cloudy.
10:31 "	29.94	57	N. W.	Brisk	00	Fair.
2:00 p. m.	29.97	61	N. W.	Brisk	00	Fair.
2:31 "	29.97	61	N. W.	Brisk	00	Fair.
6:21 "	30.06	61	N. W.	Gent.	00	Clear.
10:31 "	30.13	61	N. W.	Gent.	00	Clear.

Mean daily bar. 29.975. Maximum ther. 65.0
Mean daily ther. 58.3. Minimum ther. 53.5
Mean daily humid 69.0. Total rainfall. .20
H. R. HALL,
Sergeant Signal Corps, U. S. A.

DIAMONDS
A Specialty.
FINE WATCHES,
RICH JEWELRY.
J. P. STEVENS & CO.,
34 WHITEHALL STREET.
Feb 17 day facol ship
CENTENNIAL BUILDING.

For superior quality of SPECTACLES and EYE
GLASSES in Gold, Silver and Steel, you will find
the place at No. 34 Whitehall street. Be not induced
to pay high prices for inferior goods. I guarantee a
perfect fit of every pair I sell, and as I only keep the
very best of Lenses in White and Tinted, guarantee
every pair to give satisfaction for four years. Give
me a trial before purchasing elsewhere.
Wholesale and Retail Jeweler.
Jan 8 day 5th p un w ea

If you have Consumption, or think you
have, send to us or your dealer at once for a
bottle of Brewer's Lung Restorer, and be
cured. Lamar, Rankin & Lamar.

Old Shipmates to-night.
Notice this and see if we are not right. A
neighbor buys a bottle of Brewer's Lung Res-
tore and in less than two weeks all his
neighbors will have a bottle.

The play of "Old Shipmates" is an interesting
story, full of good points and having many high-
ly dramatic situations.—Baltimore Daily
News.
HEARD ON THE STREET.
That Robert G. Morris, author of old Shipmates,
is writing new plays for J. H. Haverly, the Tourist,
Mr. and Mrs. McKee Rankin and the Troubadours.
That the Mountaintop company is an unusually
strong one; and the season is likely to bring us
anything more novel or taking than "Old Ship
mates."
Old Shipmates to-night.
See here.
You are sick, well, then, is just one remedy that
will cure you beyond possibility of doubt. It is
Liver or Kidney trouble, Consumption, Dyspepsia,
Debility, "Wetness" in the head, or any of the
St. Druggists, Depot, Lamar, Rankin & Lamar,
Atlanta.

Old Shipmates to-night
Dressed and matched, and rough lumber
shingles and lath, 26 Mitchell street.
mch 2 dlm—1st col sp W. J. WILKINSON.

PERSONAL.
Mrs. Frey, wife of Captain John Frey, chief in-
spector of the mails, has returned from a visit to
Florida.
Mrs. E. Springer Oliver conducts services at the
First Methodist Protestant church every morning
at 9 o'clock, and at 7:30 p. m. The revival con-
tinues with unabated interest. Persons seeking a
deeper work of grace are especially invited to the
morning meetings.
At the Kimball House from Georgia.
Mrand Mrs. Hammond, Augusta; J. Lippman,
Savannah; A. J. Bault, Macon; W. Cox, Savannah;
A. H. Cox, LaGrange; H. H. Farrer, Albany; M. V.
McKibbin, M. L. Duke, Jackson; M. A. Martin, Mad-
ison; H. C. McCall, Monticello; John Penbody,
St. Helens, Columbia.

Vaccination Over.
The city vaccination offices were closed Monday
afternoon and public vaccination in Atlanta is at
an end. The fear of small-pox has about subsided
and lately the physicians have had but little to do.
About five thousand were vaccinated in the time
during which the offices were open.

NEW DOCTORS.
CLOSING EXERCISES OF SOUTH-
ERN MEDICAL COLLEGE.

Another Batch of Young Physicians—A List of the
Graduates—The Address by Dr. Battle and the
Valedictory by Dr. Sims—The Awards of
Prizes—An Interesting Occasion.

The third annual commencement of the
Southern medical college occurred at De-
Gives opera house last night. The audience
was composed very largely of ladies, an un-
usual number for occasions of the kind.

At 8 o'clock the curtain went up and ex-
posed to view the tastefully arranged stage,
decorated with flowers. Upon the stage were
seated the members of the college faculty, the
students and others.

After prayer by Rev. Henry McDonald, Pro-
fessor Nicholson, dean of the faculty, made his
report of the affairs of the college. He stated
that there were one hundred and twenty-four
matriculants from the states of Georgia, Ala-
bama, Florida, Texas, Mississippi, Virginia,
Maine, Arkansas and Tennessee. There were
thirty-seven graduates, as follows:

T. M. Beaty, South Carolina; J. C. Beau-
champ, L. T. Boatright, J. D. Bowers, Georgia;
B. P. Bradbury, Maine; L. H. Cartledge,
Georgia; W. Clower, M. W. Coffee, Georgia; H.
F. Coleman, Alabama; J. B. Courson,
G. W. De LaPerriere, I. G. Dorris,
J. A. Price, F. A. Rauschenberg, J. T. Roan,
W. F. Robertson, George L. Sawyer, C. B.
Sewell, J. H. Sims, J. N. Smith,
George C. Spearman, W. D. Watson,
M. H. White, B. T. Wise,
Georgia; John H. Young, Virginia;
S. J. Ellis, Georgia; W. T. Foutte, Tennessee;
J. P. Gwyne, Georgia; W. J. Hannah, Flori-
da; I. N. Huffaker, Georgia; A. K. Jones,
Georgia; G. E. Jones, Alabama; Dock Long,
Georgia; R. B. McCants, Georgia; T. P.
McElrath, Georgia; J. M. Mitchell, South
Carolina; W. H. H. Peck, Georgia.
The following names comprised the ad-
vancement list: William Hawkins, Virginia;
C. S. Webb, Virginia; J. M. Hundley, Vir-
ginia; R. S. Powell, Virginia; Frank A. Bi-
zell, Mississippi; G. M. McDowell, Georgia;
J. H. Blank, Mississippi; Robert H. Wilson,
Georgia; O. N. Bradbury, Maine; Pleasant
Wilson, Georgia; Charles S. Strother, Georgia.
Professor Nicholson reported the college as
being in a most gratifying condition, and
referred in most encouraging terms to its fu-
ture. Its success had been marvelous and its
prospects were most gratifying.

When Professor Nicholson concluded his re-
port he introduced Rev. A. J. Battle, of Ma-
con, president of Mercer university, who
conferred the degrees in an appropri-
ate manner. He delivered an address on
the science of medicine and the moral obli-
gations of the physician. Dr. Battle is a graceful and entertaining speaker.
He spoke of the future of the profession
of the physician as a man of science, he re-
ferred to his duty as a humanitarian. He be-
lieved that the true physician was called to his
work as much as was the minister of the gospel.
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ferred to his duty as a humanitarian. He be-
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work as much as was the minister of the gospel.

At the conclusion of Dr. Sims' address,
Professor Nicholson announced that the de-
cree of the prizes would then take place. On
behalf of the faculty he, in a neat speech, de-
livered the faculty first prize of \$75 in gold,
for the highest general examination,
to Dr. B. P. Bradbury, of Georgia.
The second faculty prize of \$25 in
gold was awarded to Dr. John H. Young, of
Virginia. Honorable mention was made of
Dr. George C. Spearman, of Georgia.
Professor Nicholson awarded a medal to
Dr. John H. Young, of Virginia, for the highest
examination in obstetrics and diseases of
women and children.

Professor R. C. W. awarded a medical
case to Dr. L. H. Cartledge, of Georgia, for the
best examination in physiology.
Professor J. Thad. Johnson awarded a case
of instruments to Dr. John H. Young, of
Virginia, for the best examination on the
principles of surgery.

Professor G. G. Crawford awarded a medal
to Dr. C. C. Beauchamp, of Georgia, for the
highest examination in clinical and operative
surgery.
Professor W. P. Nicholson awarded a medi-
cal case to Dr. B. P. Bradbury, for the highest
examination in anatomy. Professor W. G.
Owens presented a medical case to Dr. George
C. Spearman, of Georgia, for the highest ex-
amination in medicine.
Professor W. D. Bizzell awarded a chemistry
apparatus to Dr. John H. Young, of Virginia,
for the highest examination in chemistry.

Professor G. G. Roy presented a medical case
to Dr. George C. Spearman, for the best ex-
amination in materia medica and thera-
peutics.
Professor A. G. Hobbs awarded his prize of
an orthopedic to Dr. George C. Spearman
for the highest examination in diseases of
the eye, ear and throat. In awarding the
prize for the best examination in anatomy,
Professor Nicholson made honorable mention
of Dr. T. M. Beaty of South Carolina, Dr.
George C. Spearman of Georgia, and Dr. J.
H. Young of Virginia.

The successful contestants were loudly ap-
plauded as they received their prizes.
The awarding of the prizes concluded the
programme with the exception of the ben-
ediction, which was pronounced by Rev. T. R.
Kendall, of Atlanta.
The exercises were interspersed with music
by the orchestra, and were greatly enjoyed by
all who were present.

The Siamese princes, before leaving Paris,
bought 350 pianos for the harem of their
dearest brother. I am never weary when I
hear sweet music."
Walter Taylor says: "I have a large sale for your
Brewer's Lung Restorer and where I sell one bottle
for trial the purchaser invariably buys the second
bottle and speaks highly of the medicine."
Feb 17 dlm—top local news col

Vaccination Over.
The city vaccination offices were closed Monday
afternoon and public vaccination in Atlanta is at
an end. The fear of small-pox has about subsided
and lately the physicians have had but little to do.
About five thousand were vaccinated in the time
during which the offices were open.

CHAMBERLIN, BOYNTON & CO.

ARE NOW RECEIVING THEIR FULL STOCK OF

NEW SPRING GOODS

in each department. WHITE GOODS in many NEW MATERIALS, NEW BLACK
GOODS, NEW FLAKE BLACK CREPE, NEW PERALS, NEW STYLLE COLLARS,
NEW NOBBY HANDKERCHIEFS, NEW CORSETS, NEW BUSTLES, FRESH
WHITE PLAID AND FANCY CHINA MATTING. Handsome NEW STYLE
CARPETS just received. Splendid lot of NEW STYLE GOOD SHOES just in.

THE ANNUAL COMMENCEMENT

Of the College of American Medicine and Surgery.
The thirty-fourth commencement of the
College of American Medicine and Surgery,
was held last night at the college building,
corner Broad and Walton streets.
The valedictory was delivered by Dr. J. E.
Cummins, of Mississippi. The address on
the part of the faculty was by Dr. A. G.
Thomas, professor of chemistry.
The gold medals were awarded to Dr. J. E.
Cummins, of Mississippi, and Dr. M. T. Salter,
of Atlanta. The following is a list of the
graduates:
J. E. Cummins, of Mississippi; M. T. Salter,
P. L. Belsden, Davenport, Bagley, C. Harris, J.
P. Brantley, W. R. Herod, of Georgia.

LOCAL BREVITIES.

—H. R. C. means Hunnicutt's Rheumatic Cure.
It is the only remedy known that will cure Rheu-
matism—no matter how long standing. It acts
thoroughly on the blood and muscles and eradicates
every taint of disease. Try it and you will never
regret it. Sold by Hutchison & Co., 47 Whitehall
86 feb 17 day sun thurs

Mr. Horace Bradley, Atlanta's popular and
talented young artist, is now in New York at-
tending the art students' league. He will be absent
until June, but has arranged for a display of spec-
imens of his work at 27 1/2 Whitehall street.

"Old Shipmates" is a strong play. It is pleasing,
pure and pretty, and proceeds to its end with a
sensation and incidents that are absorbingly
interesting. Its action is spirited and wholly nat-
ural.—Buffalo Express.

The Germ Theory and Small-Pox.

The value of Darby's Prophylactic Fluid in
destroying and counteracting the effects of
contagious diseases can scarcely be estimated,
as small-pox and the like are caused by cer-
tain germs gaining a place in the human
body. The Fluid successfully combats and
destroys the germs before they fully develop,
thereby diverting them of all power to harm.
Thoroughly disinfect your houses and every
place with the Fluid.

TOBACCO AND CIGARS
CHEAP.

Having purchased at SHERIFF'S SALE the
entire stock of Brock Bros., consisting of all
grades of
TOBACCO,
CIGARS
AND
SNUFF
WE ARE PREPARED TO OFFER
BARGAINS
and respectfully request all dealers to call and see
what we have to offer as the stock

**Will be Closed Out at Once and
Cheap for Cash.**

We will, for the present, keep the stock at the old
stand of Messrs. Brock Bros., under KIMBALL
HOUSE ON DECATUR STREET, where we shall
be glad to take orders. Will also take orders
at our house,
Nos. 55 and 57 ALABAMA STREET,

for any part of the above named stock or for
anything in the

GROCERY LINE,
of which we have a full stock always on hand.

Respectfully,
J. W. GOLDSMITH & CO.
Feb 23—dlw top 3d col sp un, cham boy

Old Shipmates to-night.

COLLINS STREET RESIDENCE AT AUCTION

Unless sooner disposed of at private sale, I
will sell at auction, on the premises,
Tuesday, the 7th day of March, at 5 p. m.,
the new, modern, handsome, slate roof resi-
dence, No. 157 Collins street, known as the
Gregory Place. The lot fronts 100 feet on
the east side of Collins street, and runs back
east 123 feet; has a side alley (10 feet), is
situated in an excellent neighborhood, within
two blocks of Peachtree street, close to busi-
ness center, and very desirable for a home or
an investment. Lot has nice side-gate en-
trance, fencing is good, and in front is of stone
five feet high, nice garden spot, splendid wa-
ter, prettily terraced front yard with hard
paved walks, and a back yard.

Terms—One-half cash, balance six and
twelve months, with interest at 8 per cent.
Plans with description, ready for distribution
Wednesday, March 2d, and may be had and
seen at my office. SAMUEL W. GOODE,
Real Estate Agents, 41 Marietta street.
Feb 28 thurs sun thurs

Old Shipmates to-night.

Read's Grand Duchess Cologne has received
a silver medal of the highest class at the first
award over all competition at the Charleston,
S. C., industrial exhibition. Another evi-
dence of this standard cologne's superiority
over all others.
Feb 28 thurs thurs

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Feb 28 thurs thurs

NOTICE.

We have this day associated with us Mr. J. B. Mc-
Ewen in our business. R. M. JONES & Co.,
March 1st, 1882—mch 2 dlt

The play of "Old Shipmates" is one of the pret-
tiest and most original in sentiment, tone and char-
acter that we have ever seen. It has the great merit
of being essentially new.—New York Mirror.

If you cannot buy Brewer's Lung Restorer
in your city, enclose the money to Lamar,
Rankin & Lamar, Macon or Atlanta, Ga., and
they will forward it to your address. Price
\$1.00.

"Old Shipmates" is built upon an entirely origi-
nal model. It has many good qualities and will
doubtless ride prosperously along the sea of popu-
larity to its destination in success.—Brooklyn
Times.

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REVERSIBLES!
ULSTERETTES!

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ELEGANT DRESS SUITS!
LARGE INVOICE! NEW DESIGNS!
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42 AND 44 WHITEHALL STREET, ATLANTA.

67 sep 18—dlw un cham boy & co

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The Finest Goods! Perfect Satisfaction!
THE ONLY EXCLUSIVELY WALL PAPER HOUSE!
TRACY & POMEROY,
66 1-2 Whitehall Street, Salesroom Second Floor, ATLANTA.
881—Feb 26 2m sun thurs in un ill

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Handsome lines of SPRING HOSIERY, LACES, EMBROIDERIES and LADIES' NECKWEAR. Also, a superb line of W
GOODS, including Piques, Victoria Lawns, Persian Lawns, Muslin Delaines, Checked Nanooks, Tuckings, Lace Curtains, Nets, F
Linen for Boys' Waists. Checked Linen for Aprons and Dresses, JUST RECEIVED and thrown on the counters at PRICES THAT WIN.

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